

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.19738 of 2005

Date:06.09.2005

N. Bal Reddy

-----Petitioner

The Managing Director and others

-----Respondents

ORDER:

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The petitioner is employed with the respondents. He was issued a charge memo, dated 14.07.1994, alleging that he made belated remittance of a sum of Rs.17,106/-, and his explanation was called for. The petitioner submitted his explanation on 29.07.1994. An Enquiry Officer was appointed. After conducting the enquiry, he submitted a report, dated 14.09.1995. Exactly after ten years, the 1st respondent issued a show cause notice to the petitioner directing him to state as to why suitable punishment should not be imposed on him, in view of the findings of the Enquiry Officer. The petitioner submitted his explanation on 10.08.2005. Taking the same into account, the 1st respondent passed an order, dated 23.08.2005, imposing the penalty of stoppage of one increment and directing recovery of a sum of Rs.2,570/- towards penal interest for the belated remittance. The petitioner preferred an appeal before the 2nd respondent against the order, dated 23.08.2005. He has also filed an application for stay. His grievance is that the appellate authority has not passed any orders in the stay application so far, and that the 1st respondent is trying to enforce the impugned order.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner availed the remedy of appeal aggrieved by the order, dated 23.08.2005. He filed an application for stay and complains that no orders have been passed thereon by the 2nd respondent so far. In the normal course of things, this Court would have left it to the 2nd respondent himself to pass appropriate orders on the application for stay, particularly having regard to the fact that the punishment is only of stoppage of one increment and recovery of a sum of Rs.2,570/-. However, if the matter is viewed in the context of the delay between submission of the report and passing of the final order, it gives an impression that an old matter has been raked up.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that the order, dated 23.08.2005, shall remain stayed, till the 2nd respondent disposes of the appeal preferred by the petitioner. There shall be no order as to costs.

06.09.2005

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